

October 12, 1995



201 N. Union St. Suite 410
Alexandria, VA 22314-2642
Tel (703) 518-5073
Fax (703) 518-5074

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

RECEIVED
OCT 12 1995
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

Re: Reply Comments on FCC Notice of Proposed Rulemaking on Telephone
Number Portability, CC Docket No. 95-116

Dear Mr. Caton:

Enclosed please find for filing an original and four copies of GO Communications Corporation's reply comments on the FCC's Notice of Proposed Rulemaking on Telephone Number Portability (CC Docket No. 95-116), released July 13, 1995. We have also enclosed a file copy which should be stamped and returned to the courier.

If you have any questions regarding this filing, please contact the undersigned at (703) 518-4302.

Sincerely,

A handwritten signature in cursive script that reads "Leo R. Fitzsimon".

Leo R. Fitzsimon

Enclosures

No. of Copies rec'd 074
List A B C D E

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

OCT 12 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Telephone Number Portability

)
)
)
)
)

CC Docket No. 95-116

DOCKET FILE COPY ORIGINAL

**REPLY COMMENTS OF GO COMMUNICATIONS CORPORATION
CONCERNING TELEPHONE NUMBER PORTABILITY**

GO COMMUNICATIONS CORPORATION

John A. Malloy, Esq.
Vice President and
General Counsel

Leo R. Fitzsimon, Esq.

GO Communications Corporation
201 North Union Street, Suite 410
Alexandria, Virginia 22314
(703) 518-5073

October 12, 1995

CONTENTS

I.	INTRODUCTION AND SUMMARY.....	1
II.	PORTABILITY MUST BE MANDATED AND IMPLEMENTED BY DATES CERTAIN IN ORDER TO ALLOW NEW ENTRANTS TO COMPETE FAIRLY AND TO PREVENT DELAYS BY INCUMBENT PARTIES.....	2
III.	THE COMBINED MCI/AT&T PLAN WILL ALLOW PORTABILITY TO BE IMPLEMENTED IN THE NEAR FUTURE AND WOULD BE TECHNOLOGICALLY FEASIBLE	5
	A. The MCI/AT&T Plan Would Allow Portability to be Implemented Expeditiously.....	5
	B. The MCI/AT&T Plan is a Technologically Feasible Plan Which Could Rapidly Bring Portability to the Industry.....	6
IV.	COST RECOVERY.....	8
V.	WIRELESS NUMBER PORTABILITY SHOULD BE ADDRESSED IN THE SAME PROCEEDING AS WIRELINE NUMBER PORTABILITY.....	9
VI.	CONCLUSION.....	10

SUMMARY

After reviewing the comments of other parties in this proceeding, GO Communications Corporation ("GO") reiterates its earlier contention that telephone number portability is a necessary condition for fair competition in the provision of local telephone service and that such competition will be tremendously beneficial to consumers.

As expected, the incumbent LECs argue that portability is not an absolutely necessary condition for competition in the local telephone market. They encourage the Commission to delay the implementation of portability while industry task forces further "study" the issue. This is a recipe for regulatory paralysis. Evidence on the record shows that portability is an extremely important competitive factor in the local telephone market. Therefore, the Commission must mandate a portability solution which will expeditiously provide true competition and will prevent the delay tactics advocated by the incumbent monopoly providers of local service.

GO supports the combined MCI/AT&T portability plan because it is technologically feasible and will provide true service provider portability according to a firm schedule. As proposed by both MCI and AT&T, the MCI plan would be implemented in the very near future as an interim solution, leading to the deployment of the AT&T plan as networks are upgraded to accommodate its features.

Without telephone number portability there is only one winner: the monopoly provider of local telephone service. With telephone number portability, new entrants and existing competitive providers will be able to compete with incumbent LECs on a more equal footing. The greatest beneficiaries of this new competitive environment will be consumers, who will have a much wider array of telecommunications services available to them at a lower cost. For these reasons, GO urges the Commission to act aggressively in mandating and implementing an effective number portability solution.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
OCT 12 1995
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Telephone Number Portability) CC Docket No. 95-116
)
To: The Commission)

**REPLY COMMENTS OF GO COMMUNICATIONS CORPORATION
CONCERNING TELEPHONE NUMBER PORTABILITY**

GO Communications Corporation ("GO") respectfully submits its reply comments regarding the Commission's Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding.¹

I. INTRODUCTION AND SUMMARY

Most commenters agree that telephone number portability is an important issue and that the Commission should take a leading role in its development. Many parties, including GO, agree that service provider portability should be the first priority in any solution.² The majority of commenters also agree that the present interim solutions such as RCF and DID are inadequate to provide true portability and that they should be employed only until a permanent database solution is functional.³ Most parties agree that any cost recovery scheme should be non-discriminatory, equitable and competitively neutral.

¹ FCC 95-284 (released July 13, 1995).

² See, e.g., AT&T Comments at 8-9; Teleport Comments at 5-6; NYNEX Comments at 18; MFS Comments at 2; MCI Comments at 2.

³ While most commenters decried these interim measures as inefficient and inadequate, several of the LECs commented in favor of continuing to employ these measures, with some even advancing them as long-term portability solutions. See Bell Atlantic Comments at 4-8; NYNEX Comments at 9.

After reviewing various parties' comments in this proceeding, GO reiterates its contention that a regulatory mandate is necessary to ensure that number portability becomes a reality in time to enable new entrants in the telecommunications market to be able to compete effectively with incumbent service providers. Predictably, most incumbent LECs argued that the benefits of and consumer demand for portability have not been adequately demonstrated and that until they have, portability should not be implemented and should certainly not be mandated. Given this apparent LEC opposition, any regulatory mandate must include a firm cut-over schedule to number portability, providing for penalties to ensure the expeditious deployment of a portability solution. As demonstrated by the strong support for portability by every CAP and potential new local service provider commenting in this proceeding and contrary to the arguments of several of the incumbent LECs, number portability is a necessary precondition to having true competition in the local telecommunications market.

GO supports the combined MCI/AT&T plan as the best alternative to ensure that number portability is implemented expeditiously and results in an efficient and workable permanent solution. As discussed below, the MCI Carrier Portability Code ("CPC") plan would be implemented as an interim solution to be replaced by the AT&T Location Routing Number ("LRN") plan as a permanent portability solution. Under this plan, true service provider portability would be available in the near future to enable real competition in the local telephone market.

II. PORTABILITY MUST BE MANDATED AND IMPLEMENTED BY DATES CERTAIN IN ORDER TO ALLOW NEW ENTRANTS TO COMPETE FAIRLY AND TO PREVENT DELAYS BY INCUMBENT PARTIES.

As expected, the comments of most of the incumbent LECs only pay lip service to the importance of number portability in creating competition in the local telecommunications market. While the LECs commend the Commission for addressing this issue and several of them

went on record as saying that number portability may help facilitate local competition, they then continue to counsel against any mandate by the Commission and to recommend measures such as industry “working groups” and “commissions” to study portability and to eventually recommend a portability plan. GO submits that this is a recipe for regulatory paralysis and that any plan which eventually emerges from this process will come far too late to allow new entrants to compete fairly with the entrenched incumbent LECs. Similar arguments were made by incumbent parties against regulatory mandates for equal access and 800 number portability yet the record demonstrates the tremendous competitive benefits resulting from mandated implementation of these programs.

GO urges the Commission to adopt a plan that can be implemented in the near future and would accommodate the Commission’s and the industry’s requirements for competition. Once the Commission adopts such a plan, it must mandate that the plan be implemented according to a specified schedule of cut-over dates to number portability, penalizing any party that attempts to delay or obstruct the process.

Portability must be implemented expeditiously for two extremely important reasons. First, service provider portability is absolutely necessary to allow new entrants to compete quickly with incumbent carriers on an equal footing. Second, expeditious implementation is necessary to prevent incumbent LECs and others from creating obstacles and otherwise delaying the deployment of a permanent solution.

There is no question that service provider portability is a crucial element for fair competition in the local telephone market.⁴ This is reflected in the comments filed by existing competitive local service providers and by other potential local service providers, including other

⁴ GO agrees with other commenters that portability is one of several necessary conditions for true local competition. See Teleport Comments at 5, n. 5.

new Personal Communications Service (“PCS”) providers, all strongly supporting the prompt development of service provider portability.⁵ As GO notes in its comments, the Commission, the states, the courts and Congress all have called for an increase in competition at the local level as a key to providing consumers more telecommunications choices at a lower cost. Thus any delay in providing portability thwarts not only the business plans of potential new entrants into the local telephone service market, but also the desires of the Commission, the states, the courts and Congress.

It is obvious from the tone and content of the comments filed by existing LECs they have no interest in seeing portability realized in the near future. In arguing against a mandated solution, several of the LECs state there is insufficient consumer demand for telephone number portability, and, until such demand is demonstrated, portability should not be implemented. The LECs state that consumer demand for portability has not been demonstrated sufficiently and discount survey data provided by MFS and MCI showing that service provider portability is an essential ingredient for competitors to gain customers from the incumbent LECs.⁶ For example, Bell Atlantic argues that imposing portability “on carriers and consumers would be imprudent and against the public interest, absent clear and convincing evidence of widespread public

⁵ See MFS Comments at 2, Teleport Comments at 6, Omnipoint Comments at 4, PCS PrimeCo Comments at 1.

⁶ See MFS Comments, Exhibit A, “The Importance to Customers of Retaining Current Telephone Number When Switching Telecommunications Companies”. The results of this survey show that 98% of business customers felt that retaining their existing telephone number was “very important” when switching telecommunications companies and that only 19% of business customers were likely to change their telephone numbers for comparable/better service and cost by a competitor; See also MCI Comments, Attachment A, “Local Number Portability Survey”, showing that 83% of business customers felt that retaining their company’s telephone number when switching service providers was “very important” and that a 20% discount by competitive service providers would be necessary in order to get a majority of residential customers to be “somewhat likely” to switch providers.

demand for portability and that the absence of portability significantly impedes local competition.”⁷

Thus, these two issues dictate that portability be implemented quickly and that the plan chosen be implemented according to a concrete schedule of cut-over dates providing for penalties and incentives for all parties involved in its implementation. If portability is put off indefinitely while industry groups dominated by incumbent service providers “study” the issue, it will not become a reality in time to allow meaningful competition to develop in the local telephone market.

III. THE COMBINED MCI/AT&T PLAN WILL ALLOW PORTABILITY TO BE IMPLEMENTED IN THE NEAR FUTURE AND IS TECHNOLOGICALLY FEASIBLE.

As mentioned in our comments, GO supports any long-term portability solution as long as it “would provide for service provider portability in an expeditious manner, employ advanced network infrastructure, support advanced CLASS features, employ an advanced database architecture and be open to all users at the lowest possible cost.” After reviewing other parties’ comments, GO maintains that the combined MCI/AT&T plan appears to represent a workable solution that would meet these requirements and satisfy the requirements and guidelines of the industry.

A. The MCI/AT&T Plan Would Allow Portability to be Implemented Expeditiously

GO supports the schedule proposed by AT&T and MCI. In its comments, AT&T proposes that the Commission ensure that the MCI CPC plan be implemented as an interim

⁷ Bell Atlantic Comments at 9.

solution by the middle of 1996⁸ leading to the AT&T LRN plan soon thereafter as a permanent database solution.⁹ We believe the public interest requires such an implementation plan, and GO urges the Commission to open up the local telephone market to true competition as soon as possible. We suggest in our comments that service provider portability be mandated on a local basis on a rolling plan set to cover the major metropolitan areas no later than January 1, 1997.¹⁰ This schedule could be realized if the Commission adopts the combined MCI/AT&T plan.

B. The MCI/AT&T Plan is a Technologically Feasible Plan
Which Could Rapidly Bring Portability to the Industry

The MCI/AT&T plan is technologically within reach in the near future. The MCI plan could be implemented as an interim solution with minimal changes to existing network systems and yet would provide true service provider portability in the very near future. The AT&T plan is the most efficient plan proposed and would provide a permanent system of advanced portability following significant network upgrades which would ultimately benefit all consumers and carriers.

GO agrees with several commenters that the MCI plan has several drawbacks but believes that none of these are insurmountable and that the plan would be a capable interim solution.¹¹ Several commenters note that the MCI plan is inefficient in its use of numbering

⁸ AT&T Comments at 10, 31. MCI Comments at 11-15.

⁹ While GO at this time would support the AT&T LRN plan as a permanent long-term solution, GO also agrees with the guidelines for any long-term solution suggested by MCI in its comment, including the requirement that the solution should not be proprietary or have any licensing fees associated with it. MCI Comments at 7-8. *See also* Teleport Comments at 11 (among several criteria for number portability plan is that any such plan be provided in the open public domain and be free of any licensing fees).

¹⁰ GO Comments at 5.

¹¹ GO contends that the interim solutions described in the NPRM are inefficient and inadequate for anything other than very stop-gap measures until the MCI plan can be implemented.

resources because it requires two NPA codes to route a single ported number. While this may be a somewhat inefficient use of numbers, it would not be long-lasting, as the CPC system would be replaced by the more efficient AT&T LRN plan as soon as technologically feasible.¹² By the time the cut-over to the LRN plan occurs, there would be no danger of number exhaust due to the CPC plan.

Both the MCI and AT&T plans require some sort of IN/AIN network capability. As stated by both AT&T and MCI, the MCI proposal could be implemented almost immediately in most networks via current AIN 0.1 functionality with very minimal changes and upgrades to network switching facilities.¹³ Another advantage of the MCI plan is that it can be implemented in local service networks on an area by area basis.¹⁴ Thus, there is no need to wait for a comprehensive nationwide plan to be implemented. Because the major metropolitan areas generally employ the most advanced switching networks, the MCI plan could be deployed in these areas almost immediately following a mandate by the Commission. True service provider portability could then be implemented in the major metropolitan areas according to the measured schedule advocated by GO (namely, by January 1, 1997).

The AT&T plan will require more significant network upgrades in order to provide portability for all vertical features and advanced services. Because it is not known how long these upgrades will take, GO does not take a position at this time on when the cut-over to this permanent solution should occur. While these upgrades are being performed, however, the MCI CPC plan should be implemented as an interim solution. Thus the exact date of cut-over to the

¹² MCI Comments at 11, n. 8. This inefficiency could be mitigated by the prudent choice of CPC digit combinations, thus minimizing the impact on NPA usage.

¹³ AT&T Comments at 31; MCI Comments at 11.

¹⁴ MCI Comments at 13.

LRN solution need not be determined at this time, so long as the Commission monitors the development of the system and ensures it is implemented as soon as it is feasible.

The network upgrades necessary to implement the AT&T plan would have many benefits other than providing service provider portability. Just as equal access spurred all carriers to upgrade their networks which ultimately resulted in cheaper and more efficient services for consumers, so too will the mandate of a service provider portability system move our nation's networks into the twenty-first century. The resulting benefits to consumers will be tremendous, as a modernized network will allow for more new competition, resulting in lower prices and a wider array of new services.

IV. COST RECOVERY

GO agrees with the comments of several parties that the costs of telephone number portability should be shared among all carriers in an equitable fashion. The LECs' argument that the costs of upgrading to number portability should be borne by new entrants, or what they call "cost-causers"¹⁵ misses the point. The LECs do not own the current telephone numbers and have no right to retain these numbers. As explained previously, all LECs and CMRS carriers should be mandated to provide number portability. The costs of upgrading to number portability fall into two categories.

First, each local carrier, both LECs and CMRS, will need to upgrade their networks (e.g., by installing SSP functionality in each switch, installing SS7 interconnection to the common local database, and interconnecting with all local carriers). These clearly identifiable and finite costs should be recovered through traditional tariff and inter-carrier contract mechanisms.

¹⁵ See Ameritech Comments at 3; Bell Atlantic Comments at 21.

Obviously these tariff and contract mechanisms must be subject to commission review in the event that they are inequitably misused to impede competition.

Second, there will be common local databases that are operated separately from any one local carrier's network. The costs of this service should be recovered on a "per dip" basis, assessed to the N-1 carrier that does a database dip prior to routing to the proper local carrier.

Such an approach will allow carriers to cover costs on an equitable basis and result in a non-discriminatory system of prices in the industry.

V. WIRELESS NUMBER PORTABILITY SHOULD BE ADDRESSED IN THE SAME PROCEEDING AS WIRELINE NUMBER PORTABILITY

Several parties comment that portability for wireless carriers should be covered in a separate proceeding because of questions concerning the unique technological considerations that wireless presents the current absence of demand for wireless portability.¹⁶ GO strongly disagrees with the conclusions of these parties and urges the Commission to consider portability of wireline and wireless providers together in this proceeding.

While the technological issues associated with wireless portability are somewhat different than those associated with wireline portability, these issues can be resolved by the industry and should not be used as an excuse to delay competition from new providers of local telephone services. As proof of this, certain LECs are currently offering wireless/wireline portability to their customers, demonstrating that wireless portability is indeed feasible.

The second argument offered for considering wireless portability separately is that there is less demand for wireless portability because wireless customers place little value on their existing telephone numbers. Bell Atlantic NYNEX Mobile Inc. ("BANM") states that the

¹⁶ Bell Atlantic NYNEX Mobile Comments; *See also*, SBC Comments at 15-16.

“business ‘value’ of a wireless phone number is . . . far less than that of a wireline number.”¹⁷

BANM also states that “[t]he Considerations that have led the Commission to consider wireline number portability (such as encouraging the development of competition to wireline local exchange carriers) do not exist with regard to CMRS.”¹⁸ Both of these statements are based upon the offerings of existing cellular providers and do not reflect the aggressive business plans of many new market entrants such as GO who will compete with all providers of telephone service, wireline or wireless. The very idea of PCS is to have a personal phone number which a customer would have as his or her home, business and mobile phone. Obviously, such a customer would attach an extremely high value to his or her telephone number. GO urges the Commission to reject arguments against rapid implementation of wireless portability as these arguments are based on existing cellular business models which in no way reflect the intentions of Congress or the Commission for a new competitive wireless paradigm.

VI. CONCLUSION

GO reiterates its earlier conclusion that service provider portability is an essential ingredient to having a truly competitive local telephone market. Portability must be mandated according to a firm schedule in order to prevent the inevitable delay tactics which current monopoly parties will attempt to employ. GO supports the expeditious implementation of the combined MCI/AT&T plan. The MCI plan could be implemented as an effective interim solution in the very near future and would serve as a natural bridge to the highly efficient AT&T plan. Each market participant should be required to pay their own costs of providing service provider portability.

¹⁷ Bell Atlantic NYNEX Mobile, Inc. Comments at 3.

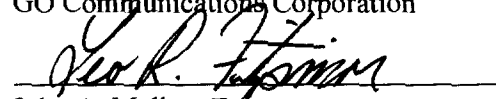
¹⁸ *Id.* at 2.

The argument for telephone number portability is really quite simple. Without portability, there is only one winner: the monopoly provider of local telephone service. With portability, there are several winners: most notably, consumers. New entrants would be able to compete fairly for customers who heretofore have had little choice in their local telephone service provider. Existing carriers will ultimately be free to compete in all markets while the greatest and most important benefit will be to consumers, who will have the option of shopping for the most efficient and effective local service provider without having to change their telephone numbers or living with inadequate interim portability measures. For the foregoing reasons, GO urges the Commission to act aggressively in mandating and implementing an effective number portability solution.

Respectfully Submitted,

GO Communications Corporation

By:

A handwritten signature in dark ink, appearing to read "John A. Malloy", is written over a horizontal line.

John A. Malloy, Esq.

Vice President and

General Counsel

Leo R. Fitzsimon, Esq.

201 N. Union Street, Ste. 410

Alexandria, Virginia 22314

(703) 518-5073

October 12, 1995